

IN THE UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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In Re: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

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Case No: 1:23-cv-00387  
MDL No. 2570

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This Documents Relates to Plaintiff(s):  
SUZANNE WOMELDORF

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Civil Case No. 1:23-cv-00387

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**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR LEAVE TO FILE  
AMENDED SHORT FORM COMPLAINT**

COMES NOW, Plaintiff Suzanne Womeldorf and files this motion to substitute her surviving son, Christopher Crum, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Suzanne Womeldorf filed the present action in the United States District Court of the Southern District of Indiana on March 3, 2023.
2. Plaintiff Suzanne Womeldorf died on or about January 18, 2025.
3. On February 19, 2025, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). See Doc. No. 26500. Plaintiff's counsel recently learned of the death of Suzanne Womeldorf after contacting her son.
4. Christopher Crum, surviving son of Suzanne Womeldorf, is the proper party plaintiff to substitute for Plaintiff-decedent Suzanne Womeldorf and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of

the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

5. Plaintiff thus moves to substitute Christopher Crum, as the personal representative of the Estate of Suzanne Womeldorf, deceased, as Plaintiff in the present action.
6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiffs (specifically Christopher Crum, as personal representatives of the Estate of Suzanne Womeldorf, deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Suzanne Womeldorf is now deceased.
7. A proposed First Amended Short Form Complaint is attached hereto as Exhibit A.
8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Christopher Crum as the personal representative of the Estate of Suzanne Womeldorf, deceased, as Party Plaintiff for Suzanne Womeldorf; (2) the Court grant leave to file the attached First Amended Short Form Complaint; Case 1:23-cv-00387 and (3) the Court deem the attached First Amended Short Form Complaint filed instant. A proposed Order is attached hereto as Exhibit B.

Date: February 20, 2025

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2025, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/Basil Adham